

STATE OF VERMONT
HUMAN SERVICES BOARD

In re)	Fair Hearing No. 20,976
)	
Appeal of)	

INTRODUCTION

The petitioner appeals the decision by the Department for Children and Families, Child Development Division denying her application for a child care subsidy. The issue is whether the petitioner's income is in excess of the program maximum. The following facts are not in dispute.

FINDINGS OF FACT

1. The petitioner lives with her husband and their two children. Following an application by the petitioner, on June 18, 2007 the Department notified the petitioner that she was ineligible for a child care subsidy based on her and her husband's income. This decision was upheld by a Commissioner's Review completed on August 7, 2007.

2. Based on information provided by the petitioner with her application, and confirmed on review, the Department determined that the family's monthly gross income from employment is \$3,805.67. At her hearing, held by phone on

August 9, 2007, the petitioner did not dispute the Department's calculations.

ORDER

The Department's decision is affirmed.

REASONS

The Child Care Subsidy regulations provide that in order to receive a subsidy a family must have a "service need" and have income that is below the Department's standards. See Regulation No. 4032. The subsidy guidelines establish a sliding scale of eligibility based on income. According to the Department's guidelines, four-person families with gross income over \$3,115 a month do not qualify for even the minimum partial child care subsidy amount (ten percent). As noted above, the petitioner's household income is \$3,805.67 a month, which makes her ineligible for any subsidy.

Inasmuch as the Department's decision is in accord with its regulations, the Board is bound by law to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

#